

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HEATH VINCENT FULKERSON,

Case No. 3:20-cv-00398-MMD-WGC

Plaintiff,

ORDER

THE HARTFORD *et al*

Defendants.

11 Pro se Plaintiff Heath Fulkerson filed a motion to submit an amended complaint
12 (ECF No. 6 (“Motion”)) and attached the amended complaint (ECF No. 6-1). Before the
13 Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States
14 Magistrate Judge William G. Cobb (ECF No. 7), recommending that Plaintiff’s Motion be
15 denied and that Plaintiff’s action be dismissed with prejudice. Plaintiff had until February
16 19, 2021 to file an objection. To date, no objection to the R&R has been filed. For this
17 reason, and as explained below, the Court adopts Judge Cobb’s R&R, and will deny
18 Plaintiff’s Motion and dismiss this case with prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct *de novo* review, and is
2 satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends Plaintiff's Motion
3 be denied as the allegations in the proposed amended complaint are vague, conclusory,
4 and ambiguous. (ECF No. 7 at 5.) Judge Cobb further recommends this case be
5 dismissed with prejudice because Plaintiff has already had an opportunity to amend and
6 correct the deficiencies of the original complaint and because Plaintiff is aware of the
7 pleading standards in federal court. (*Id.* at 6.) The Court agrees with Judge Cobb. Having
8 reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

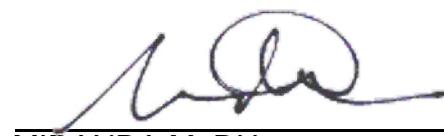
9 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.
10 7) is accepted and adopted in full.

11 It is further ordered that Plaintiff's motion to submit an amended complaint (ECF
12 No. 6) is denied.

13 It is further ordered that this case be dismissed with prejudice.

14 The Clerk of Court is directed to enter judgment accordingly and to close this case.

15 DATED THIS 22nd Day of February 2021.



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18 MIRANDA M. DU
19 CHIEF UNITED STATES DISTRICT JUDGE
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